

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Public Servants – Agricultural Marketing Department – Departmental proceedings initiated against Sri B. Seshaiyah, Selection Grade Secretary, A.M.C. for certain allegations of irregularities – Awarding of penalty besides recovery under Rule 9 of A.P.Revised Pension Rules, 1980 - Orders – Issued.

AGRICULTURE & COOPERATION (VIG.II) DEPARTMENT

G.O.Rt.No. 1055

Dated: 03-08-2010

Read the following:-

- 1) GORt.No.712, Agri. & Coop.(Vig.II)Dept., dt.22-07-2004.
- 2) GORt.No.915, Agri. & Coop.(Vig.II)Dept., dt.01-09-2004.
- 3) GORt.No.1142, Agri. & Coop.(Vig.II)Dept., dt.26-10-2004.
- 4) Govt.Memo No.6240/Vig.II(1)/2004-7, dt.24-12-2005.
- 5) Govt.Memo No.6240/Vig.II(1)/2004-12, dt.07-05-2008.
- 6) From Smt. Chandana Khan, IAS, COI, Inquiry Report, dt.18-03-2009.
- 7) Govt.Memo No.6240/Vig.II(1)/2004-13, dt.18-03-2009.
- 8) From Sri B. Seshaiyah, Selection Grade Secretary, AMC, Repalle,Guntur District, Representation,dt.13-04-2010.
- 9) Govt.Letter No.6240/Vig.II(1)/2004-14, dt.08-10-2009.
- 10)From Secretary, APPSC, Hyd. Lr.No.1296/RT-I/3/2009,dt.5-11-2009.
- 11)Govt.Memo No.6240/Vig.II(1)/2004-17, dt.05-12-2009
- 12)From Sri B. Seshaiyah, Selection Grade Secretary(Retired), AMC, Representation, dt.05-02-2010.
- 13)Govt.Letter No.6240/Vig.II(1)/2004-19, dt.26-05-2010.
- 14)From Secretary, APPSC, Hyd.Lr.No.809/RT-I/3/10, dt.16-07-2010.

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O R D E R:

It was brought to the notice of the Government that Sri B. Seshaiyah, while working as Selection Grade Secretary at A.M.Cs, Ongole and Guntur had committed certain irregularities. Accordingly, Government had initiated disciplinary proceedings by framing articles of charges in three disciplinary cases against the above Accused Officer. The case-wise charges are as follows:-

I) Charges framed vide reference 1st read above:-

Charge-1: *"That he allowed irregular exemptions to Coriander Traders of Uppagunduru by taking lakhs of rupees as bribe. Coriander is being purchased by Uppugunduru Traders from out of state and brought to Uppagunduru and by applying colour to the coriander so brought from out of State they will be sold to other states. On the plea that the Coriander was processed the Market Fee has not been collected by Sri B.Seshaiyah and allowed exemptions of crores of rupees by taking bribes in lakhs of rupees".*

Charge-2: *"That he and Sri M.Koteswara Rao, Asst.Secretary, A.M.C. Guntur for last four months spoiled the image of MC, Guntur, earned Rs.30 lakhs by allowing zero business and under valuation crores as verified from the yard transactions with evidence of farmers receipts in the villages".*

Charge-3: *"The A.D.M. Guntur and Sri B.Seshaiyah, Selection Grade Secretary, A.M.C. Guntur are responsible for irregular promotion given to the post of Driver at A.M.C. Guntur without having a vehicle in working to drive condition and ultimately condemned without following the prescribed procedure and deliberately ignoring the Government instructions".*

II) Charge framed vide reference 2nd read above:-

Charge: *"That he has drawn an amount of Rs.2.00 crores from General Funds(PD Account) from State Bank of India and deposited the same in Andhra Bank without prior permission of competent authority i.e. C&DOAM in gross violation of the existing instructions. Thus, he misused his official duties".*

III) Charge framed vide reference 3rd read above:-

Charge-1: *"That he made certain false allegations against his superior officers including HOD etc., through representations addressed to Associations, thus he violated the Conduct Rules and misused his official duties".*

Charge-2: *"That he failed to taken even minimum care in printing of 150 coupon Books by printing similar Nos from 1 to 50 in each book without printing Book Nos. which are to be issued to farmers for purchase of Mirchi through MARKFED and given scope of misusing the coupons by the staff by issuing excess coupons and collecting Rs.2,000/- to Rs.3,000/- from the farmers/traders per each coupon, thus he mishandled the issues and showed gross negligence in performing official duties and failed to supervise the administration".*

2. The Charged Officer Sri B. Seshaiyah, Selection Grade Secretary has submitted his written statement of defence denying the charges framed against him in respect of charges framed vide reference 1st read above. He has acknowledged the charges, but not submitted his written statements of defence in respect of charges framed vide references 2nd and 3rd read above. After careful examination of the matter, Government entrusted all the (3) three disciplinary cases appointing Sri S. Satyanarayana, Member, Commissionerate of Inquiry to conduct inquiry into the charges framed against Sri B. Seshaiyah, Selection Grade Secretary, A.M.C.. Subsequently, Government issued revised orders appointing Smt. Chandana Khan, I.A.S., Commissionerate of Inquiry as Inquiry Authority in place of Sri S. Satyanarayana, Member, Commissionerate of Inquiry, who demitted office on 12-10-2007.

3. After conducting the inquiry, the Smt. Chandana Khan, I.A.S., Commissionerate of Inquiry has furnished the Inquiry Report. The case wise findings of the Commissionerate of Inquiry-CK are as follows:-

I) Findings of COI-CK in respect of charges framed vide reference 1st read above:-

- a) Charge-1 is held proved, as he has given exemption on a turn over of Rs.65,01,31,756/- directly by himself and exempted market fee of Rs.10,32,34,099/- for which his predecessor Secretaries have given notices for payment of market fee due from the Traders. Therefore, he has caused an amount of Rs.75,33,658/- loss to the AMC;
- b) Charge-2 could not be established;
- c) Charge-3 does not deserve serious consideration. The Charged Officer has issued promotion orders to the Watchman as Driver in the AMC, Guntur. The Driver post should be abolished after condemnation of vehicle. But the post of Driver was not abolished. The Secretary has taken care and only after verification of vehicle condemnation file intentionally addressed a letter to the A.D.M., Guntur for sponsoring a candidate for promotion to the post of Driver. Hence the Charge is proved.

II) Findings of COI-CK in respect of charges framed vide reference 2nd read above:-

The Charge is held proved, as the Presenting Officer has been able to establish documentary evidence and the Charged Officer could not advance any proper defence in such case.

III) Findings of COI-CK in respect of charges framed vide reference 3rd read above:-

- a) Charge-1 is held proved, as the Presenting Officer has been able to establish documentary evidence and the Charged Officer could not advance any proper defence in such case.
- b) Charge is held proved, as the Presenting Officer has been able to establish documentary evidence and the Charged Officer could not advance any proper defence in such case.

4. In the reference 7th read above, while communicating a copy of the inquiry report, Sri B. Seshaiyah, Selection Grade Secretary was requested to submit his representation, if any, on the findings of the Inquiry Officer in all the above (3) three disciplinary cases. Accordingly, he has submitted his representation on the findings of the Inquiry Officer.

5. Government have examined the matter carefully with reference to the record of inquiry and observed as follows:-

- a) that he made certain false allegations against his superior officers including HOD etc., through representations addressed to Associations, thus he violated the Conduct Rules and misused his official duties";

- b) that he failed to taken even minimum care in printing of 150 coupon Books by printing similar Nos from 1 to 50 in each book without printing Book Nos. which are to be issued to farmers for purchase of Mirchi through MARKFED and given scope of misusing the coupons by the staff by issuing excess coupons and collecting Rs.2,000/- to Rs.3,000/- from the farmers / traders per each coupon, thus he mishandled the issues and showed gross negligence in performing official duties and failed to supervise the administration". In this regard, it is observed that 150 coupon books were printed without book nos. and coupons were issued to the farmers by collecting Rs.2,000/- to Rs.3,000/- for purchase of Mirchi through MARKFED causing heavy loss to the MARKFED and problems created at MARKFED purchase centre every day. Thus he misused his official powers and he held responsible for his lack of supervision and misadministration;
- c) that he has drawn an amount of Rs.2.00 crores from General Funds(PD Account) from State Bank of India and deposited the same in Andhra Bank without prior permission of competent authority i.e. C&DOAM in gross violation of the existing instructions. Thus he misused his official duties";
- d) that the coriander purchased from out of the State has been brought to the notified area of AMC, Ongole and sales have taken place to the out of State in the notified area of AMC, Ongole, for which export permits have also been used by the traders. The Secretary Sri B. Seshaiah has not followed due procedure and given exemptions on the turn over of Rs.65,01,31,956/- and failed to collect 1% market fee on the turn over, which works out to Rs.65,01,319/-;
- e) that the predecessor Secretaries of Sri B. Seshaiah have given demand notices for payment of market fee for out of State purchases and out of State sales. The traders have approached the High Court for exemption of market fee. As the High Court cases are pending, he has given exemptions for market fee on the turn-over of Rs.10,32,34,099/- and thus caused loss to AMC's income for Rs.10,32,340/- towards 1% market fees on total turn over, which is a grave irregularity;
- f) that he has also violated the Section 2 of A.P.(AP&LS)Markets Act, 1966 in allowing exemptions to the coriander traders and responsible for the loss of income to the market committee funds, which amounts to misappropriation of funds to a tune of Rs.75,33,659/- (Rs.65,01,319/- + Rs.10,32,340/-), which is to be recovered from him.

6. As such, Government have decided to impose a penalty of dismissal from service besides recovery of Rs.75,33,659/- against Sri B. Seshaiah, Selection Grade Secretary, A.M.C. in all the (3) three disciplinary cases.

7. In the reference 9th read above, proposals were sent to A.P. Public Service Commission for their concurrence on the above decision of Government to impose a penalty of dismissal from service besides recovery of Rs.75,33,659/- against Sri B. Seshaiah, Selection Grade Secretary, A.M.C. in all the (3) three disciplinary cases.

8. In the reference 10th read above, the Secretary, A.P. Public Service Commission, Hyderabad has requested to send a revised proposal under A.P. Revised Pension Rules, 1980 since the delinquent officer was retired from service on superannuation on 31-10-2009 and also requested to issue a revised Show Cause Notice specifying the punishment and obtain explanation before the proposal forwarded again for Commission's Concurrence.

9. After careful examination of the matter, Government have provisionally decided to impose a penalty of withholding of entire pension and gratuity permanently besides recovery of Rs.75,33,659/- against Sri B. Seshaiah, Selection Grade Secretary(Retired) under A.P. Revised Pension Rules, 1980. Accordingly, in the reference 11th read above, a Show Cause Notice was issued to Sri B. Seshaiah, Selection Grade Secretary(Retired) with a direction to show case as to why a penalty of withholding of entire pension and gratuity permanently besides recovery of Rs.75,33,659/- should not be imposed against him.

10. In the reference 12th read above, Sri B. Seshaiah, Selection Grade Secretary(Retired) has submitted his representation stating that without taking consideration of the facts, the Commissionerate of Inquiry has submitted the Inquiry Report fixing responsibility against him and therefore, requested to conduct open inquiry to know the facts in the matter.

11. Government, after careful examination of the entire matter, have confirmed the provisional decision to impose a penalty of withholding of entire pension and gratuity permanently besides recovery of Rs.75,33,659/- against Sri B. Seshaiah, Selection Grade Secretary(Retired) under A.P.Revised Pension Rules, 1980. Accordingly, the matter was referred to the A.P.Public Service Commission for their concurrence duly furnishing the records vide reference 13th read above.

12. The A.P.Public Service Commission has agreed with the proposal of the Government to impose a penalty of withholding of entire pension and gratuity permanently besides recovery of Rs.75,33,659/- against Sri B. Seshaiah, Selection Grade Secretary(Retired) vide reference 14th read above.

13. Government, after careful examination of the matter, have decided to impose a penalty of withholding of entire pension and gratuity permanently besides recovery of Rs.75,33,659/- (Rupees Seventy Five lakhs Thirty Three thousand Six hundred and Fifty Nine only) against Sri B. Seshaiah, Selection Grade Secretary(Retired) under Rule 9 of A.P.Revised Pension Rules, 1980.

14. Accordingly, Government hereby order to impose a penalty of withholding of entire pension and gratuity permanently besides recovery of Rs.75,33,659/- (Rupees Seventy Five lakhs Thirty Three thousand Six hundred and Fifty Nine only) against Sri B. Seshaiah, Selection Grade Secretary(Retired) under Rule 9 of A.P.Revised Pension Rules, 1980.

15. The Commissioner and Director of Agricultural Marketing, Hyderabad shall take necessary action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**K. R. KISHORE
PRINCIPAL SECRETARY TO GOVERNMENT**

To

Sri B. Seshaiah, Selection Grade Secretary (Retired), A.M.C.

(Through: The Commissioner & Director of Agricultural Marketing, Hyderabad)

Copy to:-

The Commissioner & Director of Agricultural Marketing, A.P., Hyderabad.

The Secretary, A.P.Vigilance Commission, Hyderabad.

The Secretary, A.P.Public Service Commission, Hyderabad.

Sc/Sf.

// FORWARDED :: BY ORDER //

SECTION OFFICER